

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Adrianna Spitzer, individually and on behalf
of all others similarly situated,

Plaintiff,
-against-

Celestial Seasonings, Inc.,

Defendant.

Case No. 1:20-cv-02000

NOTICE OF MOTION TO DISMISS
COMPLAINT

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, Defendant Celestial Seasonings, Inc. moves, before the Honorable J. Denise Cote, United States District Court Judge for the Southern District of New York, at the United States District Courthouse, 500 Pearl Street, New York, NY 10007, Courtroom 18B, for an order dismissing the Complaint of Plaintiff Adrianna Spitzer (Dkt. 1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: July 27, 2020

Respectfully submitted,

/s/ August T. Horvath
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Seasonings, Inc*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of July 2020, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via electronic mail.

/s/ August Horvath

August T. Horvath